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In re Application of
Ben-Eli, David
Application No. 10/050,237
Filed: January 15, 2002
Attorney Docket No. MP1448

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed May 11, 2006, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the final Office action mailed August 23, 2005, which set a shortened statutory period for reply of three (3) months. A reply was due on or before November 23, 2005.


Petitioner states that during an Interview with Examiner Perez, it was agreed upon that the August 23, 2005 Office action was premature and a new office action was to be issued. After reviewing the Interview Summary submitted by the previous attorneys of record on November 23, 2005, as well as the Interview Summary entered by a Supervisory Patent Examiner on April 6, 2006, it is clear that the Examiner did agree to issue a new Office action that would replace the Final Office Action mailed August 23, 2005, as it was deemed premature.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 2618 for examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions